



Eric T. Kanefsky, **Senior Partner**
☎ 862.772.8149 ✉ eric@ck-litigation.com

February 20, 2025

VIA ECF

Honorable Rukhsanah L. Singh
United States Magistrate Judge
United States District Court for the District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

Re: *Edwin H. Stier, Esq., as Wind Down Trustee for MLS Berkowitz Investments, LLC v. Diego Possebon, et al.*, Case No. 3:24-cv-04647-RK-RLS

Dear Judge Singh:

This law firm is co-counsel to the Plaintiff. We write regarding the Initial Case Management Order (“CMO”) (ECF No. 347) entered by the Court on January 30, 2025.

In the CMO, the Court directed the appearing defendants to meet and confer and report back to the Court by February 13, 2025, as to whether the appearing defendants were able to reach consensus on a “liaison counsel.” By letter dated February 14, 2025 (ECF No. 351), the appearing defendants advised the Court that they had been unable to reach agreement as to who should serve as liaison counsel.

The CMO directed that, by February 21, 2025: (i) the parties report back to the Court regarding meet and confers on a proposed amended pleading by Plaintiff; and (ii) Plaintiff file a letter with the Court addressing the status of service on foreign defendants, whether an amended pleading would impact that service, and the status of all appearing defendants.

Plaintiff’s counsel in the United States and Brazil are working on a framework that would significantly narrow and streamline this litigation by (i) dismissing the pending claims against certain defendants, (ii) moving to have claims against certain defendants referred to the Bankruptcy Court, and (iii) limiting this action to the claims against the defendants that played an integral role in the underlying scheme. And there is no present need for leave to amend the operative complaint as to the defendants who will remain.

Plaintiff’s counsel respectfully propose that we provide the Court with an update as to the implementation of this framework by no later than **March 10, 2025**.

We thank the Court for its consideration and attention to this matter.

Letter to Magistrate Judge Singh, Thursday, February 20, 2025
Page 2 of 2

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "E-Kanefsky", with a stylized flourish at the end.

Eric T. Kanefsky, Esq., Senior Partner
Calcagni & Kanefsky LLP

cc (via ECF): all counsel of record